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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,305	12/21/2000	Peter Tavernese JR..	NTL-3.2.149/3550 (12767HU)	2060
35437	7590	06/18/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO 666 THIRD AVENUE NEW YORK, NY 10017			NGUYEN, QUYNH H	
		ART UNIT	PAPER NUMBER	
		2642		

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/745,305	TAVERNESE, PETER
	<b>Examiner</b>	<b>Art Unit</b>
	Quynh H Nguyen	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Remarks filed 3/30/04.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1-4 and 7-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U.S. Patent 5,946,386).

Regarding claim 1, Rogers et al. teach a customer service response system ("The Call Management System") capable of responding to an incoming call from a calling party 118 by playing a message to the calling party (col. 23, lines 29-34 and col. 24, lines 8-10); a graphical user interface (workstation 114) electrically coupled to the CSRS. Rogers et al. do not explicitly teach configured to receive and display information from the CSRS originates from the calling party.

However, Rogers et al. further teach "obtaining information from the caller can be done through a series of different requests and responses" (col. 24, lines 60-62) and proactive caller identification capability providing called party caller identification (col. 24, line 66 through col. 25, line 8), and receives information from the calling party and passes it to the called party (col. 11, lines 33-36).

Therefore, it would have been obvious that when the caller responses to the called party's request, the caller identification or information transmitted to the called party either via called party's telephone 106 or display on called party's workstation 114.

Regarding claims 2-4 and 17-19, Rogers et al. teach the GUI is configured to initiate another message and displays messages from the CSRS to the calling party and at least one of a plurality of messages is customizable (col. 23, lines 29-34).

Regarding claims 7 and 22, Rogers et al. do not teach the GUI provides an option for bypassing the CSRS. It would have been obvious to one of ordinary skill in the art to give customer/caller the option to bypass the CSRS to a regular telephone in case the caller does not wish to communicate with the agent via an interactive graphical display device.

Regarding claim 8, Rogers et al. teach the CSRS is an adjunct to a telephone (Fig. 1, call management computer 101 adjunct to telephone 106 via PBX 104).

Regarding claims 9 and 23, Rogers et al. teach the CSRS is capable of responding and playing a message to a plurality of incoming calls from calling parties (col. 12, lines 17-29, col. 23, lines 29-33 and col. 24, lines 8-10).

Regarding claims 10-13, 20, 21, and 24 Rogers et al. teach the CSRS is configured to received voice, text, and multimedia messages (col. 3, lines 53-58).

Regarding claims 14 and 25, Rogers et al. teach the CSRS is capable of accessing a remote computer system ("... user is a work-at-home or traveling employee with a workstation..." - Fig. 1, col. 7, lines 14-20, and col. 8, lines 53-58).

Regarding claims 15 and 26, Rogers et al. teach the users can instruct the call management computer to dial or transfer the incoming call to an external destination (col. 13, lines 12-27, col. 14, lines 44-61, and col. 30, lines 26-45) reads on claimed "the CSRS is capable of forwarding the incoming call to another telephone number".

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rogers et al. teach employing the GUI to prompt the CSRS to send a message to the caller and transmitting the message for receipt by the caller (col. 9, lines 42-52 and col. 12, lines 17-29).

Claim 27 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rogers et al. teach the call system response means for receiving information from a plurality of telephone calls (col. 35, lines 42-47).

Claim 28 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U.S. Patent 5,946,386) in view of Wycherley et al. (U.S. Patent 5,163,081).

Regarding claims 5 and 6 Rogers et al. do not teach the CSRS includes a voice recognition program that is capable of converting voice signals in text messages and text messages into voice signal.

Wycherley et al. teach a Dual Party Relay System employing text-to-speech and speech-to-text synthesis to reduce service cost (col. 3, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of including a voice recognition program that is capable of converting voice signals in text messages and text messages into voice signal, as taught by Wycherley, in Rogers's system in order to have a customer

service response system that capable of receiving, converting, and transmitting voice signals in text messages and text messages into voice signal.

***Response to Arguments***

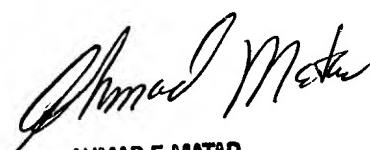
4. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
June 8, 2004



AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700